

Message Text

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E.O. 11652: GDS

TAGS: TSPA, UN

SUBJECT:GUIDANCE FOR US DELEGATION TO UN OUTER SPACE
LEGAL SUBCOMMITTEE

REF: A) USUN 687; B) GENEVA 4142 (MAY 1976)

1. FOLLOWING IS GUIDANCE FOR USDEL TO UN OUTER SPACE
LEGAL SUBCOMMITTEE (LSC). ADDITIONAL GUIDANCE ON
GEOSYNCHRONOUS ORBIT AND DIRECT BROADCAST SATELLITE (DBS)
ISSUES WILL BE SENT SEPTEL. DEL SHOULD SEEK TO HAVE
CONSIDERATION OF DBS POSTPONED UNTIL LATTER PART OF LSC
SESSION. DEL SHOULD REPORT FULLY ON REGULAR BASIS LSC
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PROCEEDINGS AND VIEWS OF OTHER DELS.

2. MOON TREATY: DEL MAY ACQUIESCE IN DISCUSSING MOON
TREATY ISSUE AT LENGTH IF OTHER DELS WISH TO DO SO, BUT
SHOULD NOT GET OUT IN FRONT IN ENCOURAGING EXTENDED
DEBATE. DEL SHOULD FOLLOW SUBSTANTIVE GUIDANCE PROVIDED
FOR 1976 LSC MEETING.

3. REMOTE SENSING: IN ITS 1976 REPORT, THE OUTER SPACE
COMMITTEE (OSC) RECOMMENDED THAT THE LSC CONTINUE, ON

THE BASIS OF HIGH PRIORITY, ITS DETAILED CONSIDERATIONS

OF THE LEGAL IMPLICATIONS OF REMOTE SENSING, "WITH THE PARTICULAR AIM OF FORMULATING DRAFT PRINCIPLES ON THE BASIS OF COMMON ELEMENTS IDENTIFIED BY THE SUBCOMMITTEE."

A. AT LAST YEAR'S LSC MEETING, WORKING GROUP III ON REMOTE SENSING DISCUSSED THE FORMULATION OF PRINCIPLES AND IDENTIFIED FURTHER COMMON ELEMENTS ON WHICH PRINCIPLES MIGHT BE BASED. THERE ARE FIVE DRAFT PRINCIPLES EACH CONTAINING DISPUTED LANGUAGE. DEL SHOULD NOT AGREE TO INCLUSION OF MANDATORY LANGUAGE IN THESE PRINCIPLES AND SHOULD AGAIN ATTEMPT TO OBTAIN AGREEMENT ON HORTATORY LANGUAGE.

B. THERE IS DISPUTE OVER WHETHER THE SUBJECT MATTER OF THESE PRINCIPLES IS (1) REMOTE SENSING OF THE NATURAL RESOURCES OF THE EARTH OR (2) REMOTE SENSING OF THE NATURAL RESOURCE OF THE EARTH AND ITS ENVIRONMENT. OUR PRINCIPAL UNDERLYING OBJECTIVE IN THIS QUESTION IS TO AVOID ANY POSSIBILITY OF INCLUDING MILITARY OR INTELLIGENCE OR ANY "NATIONAL TECHNICAL MEANS" OF VERIFICATION IN THE DISCUSSION. THE SCIENTIFIC AND TECHNICAL SUBCOMMITTEE (STSC), MEETING IN FEBRUARY 1977, DISCUSSED THE POSSIBILITY OF REMOTE SENSING APPLIED TO ENVIRONMENTAL MONITORING (SEE PARA 85 OF STSC REPORT, UN DOCU-
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MENT A/AC.105/195). IN VIEW OF THOSE DISCUSSIONS, DEL SHOULD ARGUE IN FAVOR OF USING (2) REMOTE SENSING OF THE NATURAL RESOURCES OF THE EARTH AND ITS ENVIRONMENT.

C. THREE FURTHER COMMON ELEMENTS WERE IDENTIFIED BUT NO PRINCIPLES DERIVED THEREFROM. THERE WILL PROBABLY BE AN ATTEMPT THIS YEAR TO STATE SUCH PRINCIPLES AND TO IDENTIFY STILL OTHER COMMON ELEMENTS. COMMON ELEMENTS IDENTIFIED LAST YEAR WERE:

(1) THE UN AND OTHER RELEVANT INTERNATIONAL ORGANIZATIONS COULD PLAY A USEFUL ROLE IN THE AREA OF REMOTE SENSING ESPECIALLY IN COORDINATION OF ACTIVITIES AND COOPERATION BETWEEN STATES, INCLUDING TECHNICAL ASSISTANCE;

(2) STATES PARTICIPATING IN REMOTE SENSING AND OBTAINING INFORMATION INDICATING IMPENDING NATURAL DISASTERS SHOULD MAKE THIS INFORMATION AVAILABLE PROMPTLY; AND

(3) REMOTE SENSING DATA OR INFORMATION DERIVED THEREFROM SHOULD NOT INTENTIONALLY BE USED BY STATES TO THE DETRIMENT OF OTHER STATES.

DEL SHOULD NOT AGREE TO GIVING THE UN AN OPERATIONAL ROLE. PARA 78 OF THE 1977 STSC REPORT NOTED CERTAIN LIMITATIONS ON THE UN ROLE AND THESE SHOULD BE REFLECTED IN ANY PRINCIPLE BASED ON (1). WITH RESPECT TO (2), DEL SHOULD BE SURE THAT PRACTICAL FACTORS INVOLVED ARE TAKEN INTO ACCOUNT SO THAT UNACHIEVABLE GOALS ARE NOT PROMISED. WITH RESPECT TO (3), DEL SHOULD KEEP IN MIND THAT CERTAIN APPLICATIONS OF DATA MAY AFFECT ECONOMIC OR OTHER TRANSACTIONS BETWEEN COUNTRIES AND THAT DETRIMENTS ARISING OUT OF SUCH TRANSACTIONS MIGHT BE ASCRIBED TO THE APPLICATION OF REMOTELY SENSED DATA. THE WORD
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"INTENTIONAL" IS MISPLACED. IT SHOULD READ "REMOTE SENSING DATA OR INFORMATION DERIVED THEREFROM SHOULD NOT BE USED BY STATES TO THE INTENTIONAL DETRIMENT OF OTHER STATES."

D. REGARDING THE DEFINITION OF "DATA" IN REMOTE SENSING, DEL SHOULD DRAW UPON THE 1977 STSC REPORT, PARAS 25 THROUGH 32.

E. SEVERAL STATES DISCUSSED IN THE STSC LIMITATIONS ON THE DISSEMINATION OF REMOTELY SENSED DATA BASED ON SPATIAL RESOLUTION. THE STSC FELT THAT AN ATTEMPT SHOULD BE MADE ON SCIENTIFIC BASES TO PROVIDE A TECHNICAL DEFINITION OF SPATIAL RESOLUTION AND TO DETERMINE WHAT ASPECTS OF DATA, SUCH AS RESOLUTION, SPECTRAL CHARACTERISTICS, AND POLARIZATION, MAY CORRESPOND TO PARTICULAR APPLICATIONS OF REMOTE SENSING (SEE PARAS 34 TO 41 OF 1977 REPORT). IN PARA 37 THE STSC SUGGESTED THAT THE SECRETARIAT CONDUCT SUCH A STUDY AND THAT IT BE AVAILABLE AT NEXT YEAR'S MEETING. ON THIS BASIS, DEL SHOULD SEEK TO DEFER CONSIDERATION OF SUCH LIMITATIONS ON DISSEMINATION UNTIL THE TECHNICAL BASIS IS MADE CLEAR.

F. AT LAST YEAR'S LSC MEETING SOME STATES ASSERTED THAT NATIONAL SOVEREIGNTY EXTENDS TO INFORMATION CONCERNING A COUNTRY'S NATURAL RESOURCES. WHILE WE AGREE THAT STATES MAY CLAIM SOVEREIGNTY OVER THE TERRITORIAL RESOURCES THEMSELVES, THE US POSITION HAS BEEN THAT NO SOVEREIGNTY MAY BE CLAIMED OVER INFORMATION RELATING TO THOSE RESOURCES. THE US IS UNABLE TO AGREE TO ANY PRINCIPLE OR COMMON ELEMENT OF UNDERSTANDING THAT STATES OR IMPLIES ANY SOVEREIGNTY OVER SUCH INFORMATION MAY BE BASED SOLELY ON SOVEREIGNTY OVER THE RESOURCES.

4. DEFINITION/DELIMITATION OF OUTER SPACE: AT THE 1976 STSC MEETING THIS SUBJECT WAS DISCUSSED BRIEFLY. PARA 110
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OF THE 1976 STSC REPORT INDICATED THAT FOR THE STSC TO
PROVIDE A SOUND SCIENTIFIC AND TECHNICAL EXAMINATION OF

CRITERIA RELEVANT TO A DEFINITION OF OUTER SPACE, MORE
SPECIFIC GUIDANCE WAS REQUIRED FROM THE LSC AS TO THE
PURPOSES FOR WHICH THESE CRITERIA SHOULD BE REVIEWED.
TO DATE NO SUCH GUIDANCE HAS BEEN OFFERED THE STSC.
SHOULD SUBSTANTIAL PRESSURE DEVELOP IN THE LSC FOR

CREATING A DEFINITION, DEL SHOULD STEER THE DISCUSSION
TOWARD AN ELUCIDATION OF PURPOSES TO BE SERVED BY SUCH
DEFINITION IN ORDER TO FACILITATE THE WORK OF THE STSC.

5. OBSERVER STATUS: SHOULD COLOMBIA, GUYANA OR OTHERS
REQUEST LSC OBSERVER STATUS (REF A), DEL SHOULD POINT
OUT THAT SUCH STATUS CAN ONLY BE GRANTED BY THE FULL OSC.

6. SEASAT: SHOULD GENERAL QUESTIONS RELATING TO SEASAT
ARISE, DEL SHOULD CONFINE ITSELF TO CONTINGENCY REPLY
PROVIDED FOR STSC SESSION: QUOTE THE US IS CONTINUING
TO DEVELOP AN EXPERIMENTAL OCEAN DYNAMICS SATELLITE,
CALLED SEASAT-A, WHICH IS TENTATIVELY SCHEDULED FOR
LAUNCHING IN 1978. THE NATURE AND EXTENT OF SEASAT DATA
USE BY INVESTIGATORS WILL BE ANNOUNCED WHEN THE US PLANS
FOR LAUNCHING AND OPERATING SEASAT-A HAVE BEEN
COMPLETED. UNQUOTE.

7. POLITICAL STATEMENTS: IN EVENT SOVIETS OR OTHERS
ATTEMPT TO REPLAY LAST YEAR'S INTERJECTION OF POLITICAL
ISSUES INTO LSC DEBATE (REF B), DEL SHOULD FIRMLY
EXPRESS OUR OPPOSITION TO THE INTRODUCTION OF
INAPPROPRIATE POLITICAL ISSUES INTO THE LSC FORUM.

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